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FILE COPY

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD

IN THE MATTER OF THE  
LICENSE OF

THOMAS F. ANDERSON, R.Ph.,  
RESPONDENT.

:  
:  
:  
:  
:

FINAL DECISION AND ORDER  
ADOPTING STIPULATION

The parties to this action for the purposes of Wis. Stats. sec. 227.53  
are:

Thomas F. Anderson  
Rt. 2, Box 333  
410 Moody Rd.  
St. Croix Falls, WI 54024

Pharmacy Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

Department of Regulation and Licensing  
Division of Enforcement  
P.O. Box 8935  
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the  
attached Stipulation as the final decision of this matter, subject to the  
approval of the Board. The Board has reviewed this Stipulation and considers  
it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and  
makes the following:

FINDINGS OF FACT

1. That Thomas F. Anderson, Respondent herein, was at all times  
relevant to this proceeding duly licensed under the provisions of Chapter 450,  
Wis. Stats., to practice as a registered pharmacist in the State of Wisconsin.
2. That Thomas F. Anderson holds a license as a pharmacist,  
number 9682, granted December 5, 1979.
3. That the Respondent's date of birth is May 7, 1952, and current  
address is Route 2, Box 333, 410 Moody Road, St. Croix Falls, Wisconsin 54024.
4. During 1987, Respondent was employed as a pharmacist at a retail  
pharmacy in Superior, Wisconsin.
5. On numerous occasions from about June 1987 to November 4, 1987,  
without the authorization of a prescription from a practitioner, and without  
payment, Respondent diverted for self-administration at least 200 tablets of  
Esgic, a Schedule III controlled substance under sec. 161.18(3)(a), Wis. Stats.

6. Respondent used Esgic without the authorization of a prescription by a practitioner at times while he was on duty as a pharmacist.

7. Between May 1987 and November 4, 1987, Respondent removed from the pharmacy at which he was employed a bottle of the prescription medication Temormin for use by his wife, for which a refillable prescription for his wife was on file at the pharmacy. Respondent removed the bottle of Temormin without payment therefor and without making any record of dispensing or refilling of the prescription medication.

8. On November 5, 1987, Respondent made restitution to his employer in the amount of \$50.00 for the medications taken without authorization or payment.

9. On September 6 and September 7, 1988, Respondent voluntarily submitted to an outpatient assessment for chemical abuse and dependency at Riverside Medical Center, Minneapolis, Minnesota. The conclusion of the two-day outpatient assessment was an impression of substance (barbiturate) abuse -- by history. The recommendation resulting from the two-day outpatient assessment was that treatment was not recommended at that time, however it was recommended that it was clearly important to begin a program of random, supervised urine screenings for at least two years.

10. As of February, 1989, Respondent had not yet established any program for random witnessed urine screenings for the presence of abusable substances. As of May 25, 1989, Respondent commenced the recommended program for random witnessed urine screenings.

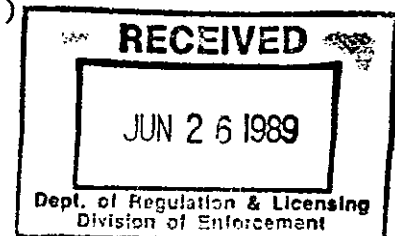
11. Since February 1988, Respondent has been employed at a hospital pharmacy as a staff pharmacist. In August 1988, Respondent informed his pharmacy supervisor of his history of chemical abuse. Respondent's supervisor has reported to the Division of Enforcement that as of March 1, 1988, he has observed no discrepancy or behavior on the part of Respondent that would indicate chemical abuse or dependency. Respondent's pharmacy supervisor further reported that the Respondent's job performance to date has been satisfactory and progressing well. See Exhibit A attached hereto.

12. Respondent has agreed to fully cooperate with all requirements of the Pharmacy Examining Board with respect to this matter, and has agreed to undergo an additional inpatient chemical abuse/dependency assessment at an accredited chemical abuse and dependency institution, and shall comply with all recommendations resulting from assessment and the requirements of the following Order of the Pharmacy Examining Board.

#### CONCLUSIONS OF LAW

1. The Wisconsin Pharmacy Examining Board has jurisdiction over this matter and authority to take disciplinary action against the Respondent pursuant to Wis. Stats. sec. 450.10(1), and Wis. Adm. Code Ch. Phar 10.

2. The Wisconsin Pharmacy Examining Board is authorized to enter into the attached Stipulation pursuant to Wis. Stats. sec. 227.44(5)



3. The conduct of Respondent described in paragraph 5 of the Findings of Fact constitutes illegal possession of a controlled substance under sec. 161.41(3), Wis. Stats., is unprofessional conduct under sec. 10.03(3), Wis. Adm. Code, and therefore subjects Respondent to discipline under sec. 450.10(1)(b)1., Wis. Stats.

4. The conduct of respondent described in paragraph 6 of the Findings of Fact constitutes a violation of sec. 450.10(1)(a)3., Wis. Stats.

5. The conduct of Respondent described in paragraph 7 of the Findings of Fact constitutes a violation of sec. 943.50(1m), and sec. 450.11(5), Wis. Stats., and are violations substantially related to the practice of pharmacy.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

That the Stipulation of the parties, attached hereto, is accepted.

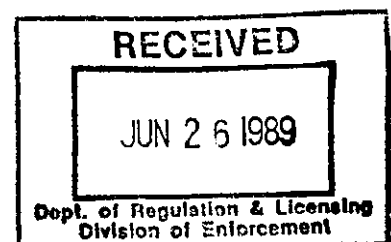
IT IS FURTHER ORDERED that effective immediately following the date of this Order, the pharmacist license of Thomas F. Anderson, Respondent, shall be SUSPENDED for a period of not less than five (5) years. The Board in its discretion may restore Respondent's license to full, unlimited status only upon petition by Respondent after completion of the five-year period of suspension, and a showing that Respondent has complied with all terms and conditions of this Order and that Respondent may practice pharmacy without limitation or condition.

1. THE SUSPENSION SHALL BE STAYED for a period of three months conditioned upon continuing compliance with the requirements and limitations outlined in paragraph 2., below.

a. The Respondent may apply for consecutive three (3) month extensions of the stay of suspension, which shall be granted upon acceptable demonstration of compliance with the requirements and limitations under paragraph 2., below, during the prior three (3) month period.

b. The Board may, without hearing, deny an application for extension of the stay, or commence other appropriate action, upon receipt of information that Respondent has violated any of the terms or conditions of this Order. If the Board denies the application by the Respondent for an extension, the Board shall afford an opportunity for hearing in accordance with the procedures set forth in Wis. Adm. Code Ch. RL 1 upon timely receipt of a request for hearing.

c. Upon a showing by Respondent of successful compliance for a period of five (5) years with the terms of paragraph 2., below, the Board may grant a petition by the Respondent for return of full licensure.



d. The applications for extension under 1.a. and all required reports under 2.a-c. shall be due on the following dates:

October 1, 1989, and each and every following  
January 1, April 1, July 1, and October 1  
that this order is in effect.

2. CONDITIONS OF STAY AND LIMITATIONS.

a. Respondent shall remain free of alcohol, prescription drugs and controlled substances not prescribed by a practitioner for legitimate medical purposes. Respondent shall have his physician report in writing to the supervising physician or therapist under paragraph 2.b.(1) all medications prescribed to the Respondent within 3 days of such prescribing.

b. Rehabilitation Program. Respondent shall arrange for and enter and remain in a rehabilitation program acceptable to the Board for the treatment of chemical abuse and dependency. Such program shall consist of the following elements and requirements:

(1) Respondent shall undergo and complete within 14 days of the date of this Order a complete evaluation and assessment for chemical abuse and/or dependency by a qualified physician or therapist (hereinafter, "supervising physician or therapist"), at an accredited drug and alcohol abuse/dependency treatment facility. Respondent shall obtain from the Pharmacy Examining Board prior approval of the drug and alcohol abuse/dependency treatment facility and the supervising physician or therapist. The supervising physician or therapist shall be responsible for the Respondent's total assessment and rehabilitation program. Respondent shall immediately provide a copy of this order to his supervising physician or therapist. The facility performing the assessment shall be provided with copies of the Division of Enforcement's investigative materials regarding this matter for review prior to the date of assessment. A full written report of the evaluation and assessment shall be provided directly to the Board by the supervising physician or therapist within thirty days of the date of this Order. The chemical dependency assessment report shall include: diagnosis of Respondent's condition, recommendations for treatment, an evaluation of Respondent's level of cooperation in the assessment and influence thereof on the assessment's conclusions, work restrictions if any, and prognosis for Respondent's success in treatment. The results of the evaluation and assessment shall be considered in establishing the elements and goals of Respondent's rehabilitation and treatment program, subject to the requirements of this Order. Respondent shall participate in and comply with all recommendations for treatment, subject to the requirements of this Order.

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(2) The rehabilitation program shall include and Respondent shall participate in individual and/or group therapy sessions for the first year of the stayed suspension upon a schedule as recommended by the supervising physician or therapist, but not less than once weekly. Such therapy shall be conducted by the supervising physician or therapist, or another qualified physician or therapist as designated by the supervising physician or therapist and acceptable to the Board. After the first year of stayed suspension, this requirement for therapy sessions may be modified only upon written petition, and a written recommendation by the supervising physician or therapist expressly supporting the modification sought. A denial of such a petition for modification shall not be deemed a denial of a license under sec. 227.01(3) or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

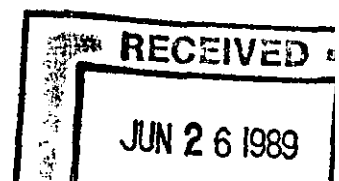
(3) Respondent shall attend Narcotics Anonymous and/or Alcoholics Anonymous meetings, or an equivalent program for recovering professionals, upon a frequency as recommended by the supervising physician or therapist, but not less than one meeting per week. Attendance of Respondent at such meetings shall be verified and reported monthly to the supervising physician or therapist.

(4) Respondent's rehabilitation program shall include and Respondent shall participate in a program of random, witnessed collection of urine and/or blood specimens for monitoring for presence of controlled substances and alcohol in his blood and/or urine on a frequency of not less than:

- (a) 8 times per month for the first year following the date of this Order.
- (b) 6 times per month for the second year following the date of this Order.
- (c) 4 times per month for the third through fifth year following the date of this Order.

If the physician or therapist supervising the Respondent's plan of care or Respondent's employer deems that additional blood or urine screens are warranted, Respondent shall submit to such additional screens as requested or recommended.

The Respondent shall be responsible for obtaining a monitoring facility and reporting system acceptable to the Board.



To be an acceptable program, the monitoring facility shall agree to provide random and witnessed gatherings of specimens for analysis for all controlled substances and alcohol. Any specimen that yields a positive result for any controlled substance or alcohol shall be immediately subjected to a gas chromatography-mass spectrometry (hereinafter, "GC-MS") test to confirm the initial positive screen results. The monitoring facility shall agree to immediately file a written report directly with the Pharmacy Examining Board, the supervising physician or therapist, and the Respondent's supervising pharmacist upon any of the following occurrences: if the Respondent fails to appear upon request; or if a drug or alcohol screen and confirmatory GC-MS test prove positive; or if the Respondent refuses to give a specimen for analysis upon a request authorized under the terms of this Order. Respondent shall arrange for quarterly reports from the monitoring facility directly to the Board and to Respondent's supervising physician or therapist providing the dates and results of specimen analyses performed.

The monitoring facility shall further agree to keep a formal record of the chain of custody of all specimens collected and subjected to analysis. The facility shall further agree to preserve any specimens which yielded positive results for any controlled substance or alcohol, pending further written direction from the Board.

(5) Respondent shall arrange for quarterly reports from his supervising physician or therapist directly to the Board evaluating and reporting:

- (a) Respondent's attendance and progress in therapy,
- (b) Respondent's attendance in NA/AA (or equivalent) meetings,
- (c) Respondent's participation in and results of his random witnessed urine and/or blood screening program.

Such quarterly reports shall be due on the dates specified under paragraph 1.d. of this Order.

(6) Respondent shall arrange for agreement by his supervising physician or therapist to report immediately to the Board any conduct or condition of Respondent that may constitute a danger to the public in his practice of pharmacy, and any occurrence that constitutes a failure on the part of the Respondent to comply with the requirements of this Order or treatment recommendations by the supervising physician or therapist.

c. Practice of Pharmacy: Limitations and Conditions. Any practice of Pharmacy by Respondent during the pendency of this Order shall be subject to the following terms and conditions:

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(1) Respondent shall not practice as a pharmacist in any capacity unless he is in full compliance with the rehabilitation program as specified and approved under this Order.

(2) Respondent shall not be employed as or work in the capacity of a "managing pharmacist" or "pharmacist in charge" as defined in secs. Phar 1.02(2) and (5), Wis. Adm. Code, except as provided in the next paragraph.

(3) Respondent shall not be employed as a pharmacist without continuing supervision on a daily basis by another pharmacist licensed in the state of Wisconsin and approved by the Pharmacy Examining Board. Respondent may work unsupervised for limited period of time provided the following conditions are fulfilled.

(a) Respondent's supervising pharmacist shall submit for consideration with this Order and with the quarterly reports required under paragraph 2.c.(6) of this Order a complete work schedule for all pharmacists employed in the pharmacy. The work schedule and supervision pattern for Respondent shall be subject to approval by the Board. Except for emergency or other unforeseen circumstances requiring temporary deviation, no change in Respondent's work schedule or supervision pattern may occur without approval by the Board.

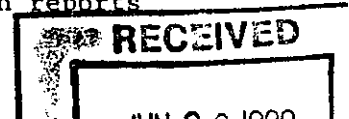
(b) A drug and alcohol screen under paragraph 2.b.(4) of this Order shall be obtained from Respondent within 24 hours following any time the Respondent works unsupervised for a period exceeding 5 hours.

(c) Respondent's supervising pharmacist shall establish a perpetual inventory system for accounting for all Schedule II through V controlled substances, including all substances containing butalbital. The supervising pharmacist or his designee other than Respondent shall check the perpetual inventory records for discrepancies and shall check such records against inventory on a weekly basis. Any discrepancy shall be investigated and reported to the Board immediately.

(4) Respondent shall not place nor be responsible for the placing of any orders for the purchase of any controlled substances, and Respondent shall not sign any orders or invoices for controlled substances.

(5) Respondent shall provide his employer with a copy of this Stipulation and Final Decision and Order, upon commencement of employment and any change in employment.

(6) Respondent shall arrange for his supervising pharmacist to provide directly to the Board quarterly written reports



evaluating Respondent's work performance, which shall include reports or information required under subparagraphs (3), (7) and (8) hereunder.

(7) Respondent shall obtain agreement from his managing pharmacist to establish a system acceptable to the Board for monitoring pharmacy operations relating to controlled substances and abusable drugs, structured and implemented to reasonably detect any loss, diversion, tampering, discrepancy or other unauthorized activity relating to controlled substances and abusable drugs. Respondent shall arrange for his managing pharmacist to formulate such a maintenance and monitoring system and provide to the Board a written description of such system within 30 days of the date of this Order, or Respondent commencing subsequent employment. Any loss, diversion, tampering, discrepancy or other unauthorized activity discovered shall be immediately reported to the Board.

(8) In addition to the foregoing subparagraph (7), Respondent shall obtain from his managing pharmacist agreement to conduct accountability audits of all schedule II controlled substances on the following frequency:

- (a) Monthly during the first 6 months of employment under this Order, and
- (b) Every six months for the remaining period of employment under this Order.

The audit shall be conducted by and certified by a licensed pharmacist other than respondent, who shall be approved by the Board. A summary of all audits required under this subparagraph shall be included in the quarterly report following the audit, however, any discrepancy or missing drugs indicated by the audits shall be immediately reported in writing to the Board.

(9) Respondent shall arrange for agreement by his supervising pharmacist to immediately report to the Board and to the supervising physician or therapist any conduct or condition of Respondent that may constitute a danger to the public.

d. Upon request of the Board, the Respondent shall provide the Board with current releases complying with state and federal laws, authorizing release of counseling, treatment and monitoring records, and employment records.

e. The Respondent shall report to the Board any change of employment status, residence address or phone number within five (5) days of any such change.

3. Respondent shall not own in whole or in part any interest in a pharmacy except upon prior approval of the Pharmacy Examining Board.

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4. Following successful compliance with and fulfillment of the provisions of paragraph 2. of this Order for a period of two (2) years, and only upon the express written recommendation of the Respondent's supervising physician or therapist, the Respondent may petition the Board, in conjunction with an application for extension of the stay of suspension, for modification of the conditions or limitations for stay of suspension. A denial of such a petition for modification shall not be deemed a denial of license under sec. 227.01(3), or 227.42, Wis. Stats., or Ch. RL 1, Wis. Adm. Code, and shall not be subject to any right to further hearing or appeal.

4. Respondent shall be responsible for all costs and expenses of complying with this Order and for arranging any alternative means for covering such costs and expenses.

5. The Board in its discretion may conduct unannounced inspections and/or audits, and make copies, of pharmacy records and inventory where Respondent is employed as a pharmacist.

6. Violation of any of the terms of this Order or of any law substantially relating to the practice of pharmacy may result in a summary suspension of the Respondent's license; the denial of an extension of the stay of suspension; the imposition of additional conditions and limitations; or the imposition of other additional discipline.

7. This Order shall become effective immediately upon issuance by the Pharmacy Examining Board, except for provisions 2.a., which is effective the date of signing by Respondent.


PHARMACY EXAMINING BOARD

By:   
A Member of the Board

7/11/89  
Date

I, Thomas F. Anderson, have read and understood all parts of this Order and attached Stipulation, and pursuant to the attached Stipulation, hereby consent to the entry of the foregoing Final Decision and Order by the Wisconsin Pharmacy Examining Board.

Dated this 23 day of June, 1989.

  
Thomas F. Anderson, R.Ph., Respondent

RTG:ej  
DOEATTY-631



# St. Croix Valley MEMORIAL HOSPITAL

lack of experience in hospital pharmacy.

3. Identify any problems encountered and the resultant action or resolution -

obviously the biggest problem encountered thus far in Tom Anderson's employment has been the investigation into his use of Esgic before we hired him. I first heard about the investigation into Tom's past use of Esgic about 8 months after we hired him. ~~on August 11th, 1988~~ I feel it might be helpful at this point to refer to the notes I took concerning Tom's explanation about this problem, and the actions we subsequently took to get the problem resolved (see attached).

From the very start, Tom Anderson has been cooperative and anxious to get this problem resolved. I'm sure he will continue to follow whatever recommendations the State Examining Board feels ~~to be~~ <sup>are</sup> necessary for him to practice pharmacy.

4. State Tom Anderson's current work schedule -

Tom Anderson's current work schedule is Mon.-Fri. 8AM-4:30 with every Tuesday off, and he works every other weekend 8AM-4:30PM

5. Describe the degree of observation and supervision of Tom Anderson's day to day functioning in his position -

Presently, Tom Anderson works under considerable supervision and scrutiny as evidenced by the following staffing schedule for the Pharmacy:

Tom Meister - works Mon.-Fri. 8AM-4:30PM with every Wed. off & works 8AM-4:30PM every other weekend also

Tom Anderson - see above

Bob Meyer - works 8AM-4:30PM every Tues. & Wed on Tom Anderson's and my days off, and every other weekend 8AM-4:30PM with Tom Anderson

The schedule for the Pharmacy looks something like the following 2 week cycle:

Week 1	Mon.	Tues.	Wed.	Thurs.	Fri	Sat.	Sun.
8-4:30	Tom A. Tom M. Bobm OFF (working elsewhere)	Tom A OFF Tom M. Bob M.	Tom A. Tom M OFF Bob M	Tom A Tom M Bobm OFF (working elsewhere)	Tom A Tom M Bobm OFF	Tom A Tom M OFF Bobm at clinic 9-12:30	Tom A Tom M OFF Bobm
Week 2	Mon	Tues	Wed	Thurs	Fri	Sat	Sun
8-4:30	Tom A Tom M Bobm OFF (working elsewhere)	Tom A OFF Tom M Bobm	Tom A Tom M OFF Bobm	Tom A Tom M Bobm OFF (working elsewhere)	Tom A Tom M Bobm OFF	Tom A (OFF) Tom M Bobm OFF	Tom A (OFF) Tom M Bobm OFF

ALLERGY TREATMENT... AUDIOLOGY... AUXILIARY... CHEMICAL DEPENDENCY SERVICES (IN-PATIENT, OUT-PATIENT, FAMILY, EMPLOYEE ASSISTANCE)... CLINICAL PATHOLOGY... COMMUNITY EDUCATION... DIAGNOSTIC IMAGING (RADIOGRAPHY, CT-SCAN, NUCLEAR MEDICINE, MAMMOGRAPHY, ULTRASOUND)... EMERGENCY SERVICES... EPIDEMIOLOGY... FAMILY PLANNING CLINIC... FAMILY PRACTICE... FOUNDATION... GENERAL SURGERY... GIT SHOP... GYNCOLOGY... IMMUNIZATION CLINIC... INFANT CARESAT RENTAL PROGRAM... INTENSIVE CARE... INTERNAL MEDICINE... KIDNEY DIALYSIS... LABORATORY SERVICES... LIFE MATE... MATERNITY... MEDICAL RECORDS SERVICES... NEONATAL... NEUROLOGY... NUTRITION COUNSELING... NUTRITION SERVICES... ONCOLOGY... OPHTHALMOLOGY... ORAL SURGERY... ORTHODONTICS... ORTHOPEDICS... OTOLARYNGOLOGY... PASTORAL CARE... PHARMACY... PHYSICAL THERAPY... PLASTIC SURGERY... POISON REFERRAL CENTER... QUALITY MANAGEMENT... RESPIRATORY THERAPY... SHORT STAY SURGERY...

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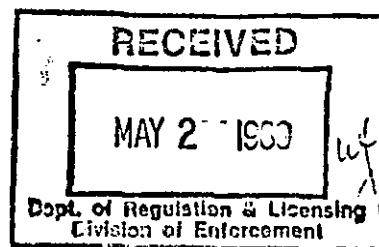
Dept. of Regulation & Licensing  
Division of Enforcement

# St. Croix Valley MEMORIAL HOSPITAL

April 24, 1989

Robert T. Ganch

Attorney, Division of Enforcement  
State of Wisconsin \ Department of Regulation  
1400 E. Washington Ave.  
PO Box 8935  
Madison, WI 53708



Dear Mr. Ganch:

In this letter I hope to address the questions and concerns regarding Tom Anderson's ability to practice pharmacy at our hospital. In order to accomplish this task, I will follow the outline you presented to me in your letter of April 20, 1989.

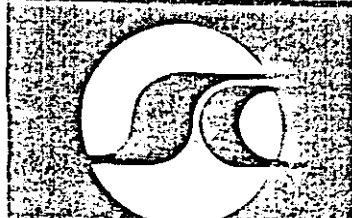
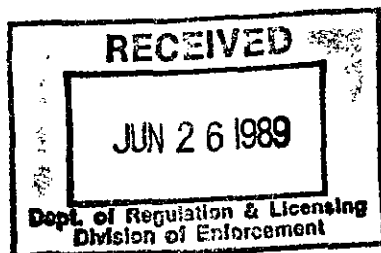
1. Tom Anderson's current position and duties at our hospital — Tom Anderson is a full-time staff pharmacist and as such is expected to fulfill the responsibilities of the staff pharmacist job description (see attached). I should explain that St. Croix Valley Memorial Hospital is a 92 licensed bed hospital, and as a result we have a relatively small pharmacy staff. Our pharmacy staff consists of myself (full-time Pharmacy Director), Tom Anderson (full-time staff pharmacist), and Bob Meyer (part-time staff pharmacist that works on Tom Anderson's & my days off).

2. Summary of Tom Anderson's work performance — Tom Anderson began working for our hospital in December, 1987. I have attached copies of his employment records up to this point. His next performance evaluation is scheduled for June, 1989. It should be noted that Tom came to our hospital with no previous experience as a hospital pharmacist. I felt that although this lack of expertise in hospital pharmacy was a drawback, during his interview he seemed like a very pleasant, affable individual that would get along well with the nurses and physicians at our hospital. He also seemed very eager to learn, and after getting good reports from his references, I felt he would do a good job for our hospital.

Presently, he continues to learn more and more each day about the injectable drugs characteristic of hospital pharmacy. I would say that in his performance evaluation coming up in June, he will rate as an employee who is fulfilling the obligations of the job, but is still somewhat limited by his

EXHIBIT A

ALLERGY TREATMENT... AUDIOLOGY... AUXILIARY... CHEMICAL DEPENDENCY SERVICES (IN-PATIENT, OUT-PATIENT, FAMILY, EMPLOYEE ASSISTANCE)... CLINICAL PATHOLOGY... COMMUNITY EDUCATION... DIAGNOSTIC IMAGING (RADIOGRAPHY, CT-SCAN, NUCLEAR MEDICINE, MAMMOGRAPHY, ULTRASOUND)... EMERGENCY SERVICES... EPIDEMIOLOGY... FAMILY PLANNING CLINIC... FAMILY PRACTICE... FOUNDATION... GENERAL SURGERY... GIFT SHOP... GYNCOLOGY... IMMUNIZATION CLINIC... INFANT CARSEAT RENTAL PROGRAM... INTENSIVE CARE... INTERNAL MEDICINE... KIDNEY DIALYSIS... LABORATORY SERVICES... LIFE-MATE... MATERNITY... MEDICAL RECORDS SERVICES... NEONATAL... NEUROLOGY... NUTRITION COUNSELING... NUTRITION SERVICES... ONCOLOGY... OPHTHALMOLOGY... ORAL SURGERY... ORTHODONTICS... ORTHOPEDICS... OTOLARYNGOLOGY... PASTORAL CARE... PHARMACY... PHYSICAL THERAPY... PLASTIC SURGERY... POISON REFERRAL CENTER... QUALITY MANAGEMENT... RESPIRATORY THERAPY... SHORT STAY SURGERY...



# St. Croix Valley MEMORIAL HOSPITAL

Two points should be noted here:

A. under the current schedule, the only times that Tom Anderson is working alone in the Pharmacy for extended periods are when I am consulting at the Good Samaritan Nursing Home (approximately 7-8 hours/month) and every other Saturday morning when Bob Meyer is filling in at the River Valley Clinic Pharmacy for 3 1/2 hours. Otherwise, Tom Anderson is either working with Bob Meyer or me.

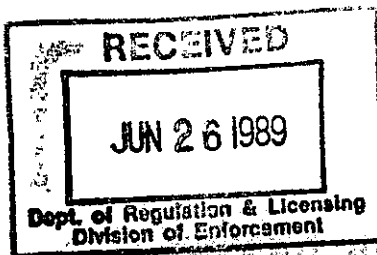
B. We are presently exploring the option of extending Pharmacist coverage at the hospital. Under this potential arrangement, Tom Anderson would be required to work perhaps 2+ possibly 3 hours per day Mon.-Fri. independently. This schedule is only a plan, and is very much dependent upon what constraints (if any) are placed upon Tom Anderson's license to practice pharmacy.

C. Describe Tom Anderson's access to controlled substances in his job duties and any system in place for monitoring <sup>the</sup> inventory of controlled substances for purposes of detecting any loss or discrepancy, and/or monitoring Tom Anderson's access to controlled substances.

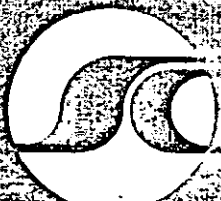
As part of Tom Anderson's duties as a staff pharmacist, he has access to all of the drugs (including the controlled substances) in the pharmacy. We keep track of our schedule II drugs on continued inventory cards and proof of use sheets. Therefore, these drugs are watched very closely; and I have noticed no discrepancies in this area. The schedule III, IV and V drugs are kept track of on either unit dose patient profile dispensing records or proof of use sheets. Certainly because of Tom's history, I've made periodic checks of Esqic and Fiorinal inventories and found no discrepancies.

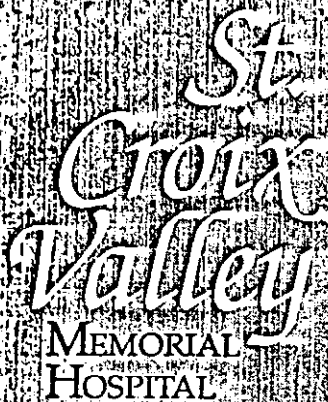
We also have in place the ability to monitor Tom Anderson's possible use of controlled substances including alcohol by having periodic random urine samples sent to the Hennepin County Medical Center Toxicology Lab in Minneapolis for analysis. We have the collection kits, and we are awaiting the decision of the Examining Board on whether or not to go ahead with the testing.

In conclusion, I have tried to answer the concerns regarding Tom Anderson's current status at our hospital as honestly and as completely as possible. If you have any further questions or concerns; or if I can



ALLERGY TREATMENT... AUDIOLOGY... AUXILIARY... CHEMICAL DEPENDENCY SERVICES (IN-PATIENT, OUT-PATIENT, FAMILY, EMPLOYEE ASSISTANCE)... CLINICAL PATHOLOGY... COMMUNITY EDUCATION... DIAGNOSTIC IMAGING (RADIOGRAPHY, CT-SCAN, NUCLEAR MEDICINE, MAMMOGRAPHY, ULTRASOUND)... EMERGENCY SERVICES... EPIDEMIOLOGY... FAMILY PLANNING CLINIC... FAMILY PRACTICE... FOUNDATION... GENERAL SURGERY... GIFT SHOP... GYNCOLOGY... IMMUNIZATION CLINIC... INFANT CARSEAT RENTAL PROGRAM... INTENSIVE CARE... INTERNAL MEDICINE... KIDNEY DIALYSIS... LABORATORY SERVICES... LIFE MATE... MATERNITY... MEDICAL RECORDS SERVICES... NEONATAL... NEUROLOGY... NUTRITION COUNSELING... NUTRITION SERVICES... ONCOLOGY... OPHTHALMOLOGY... ORAL SURGERY... ORTHODONTICS... ORTHOPEDICS... OTOLARYNGOLOGY... PASTORAL CARE... PHARMACY... PHYSICAL THERAPY... PLASTIC SURGERY... POISON REFERRAL CENTER... QUALITY MANAGEMENT... RESPIRATORY THERAPY... SHORT STAY SURGERY...





be of any help whatsoever - please don't hesitate to contact me. Thank you very much for the opportunity to address this very important issue.

Sincerely,  
Tom Meister, RPh, MS  
Pharmacy Director  
St. Croix Valley Memorial Hospital

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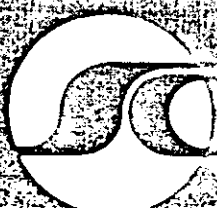
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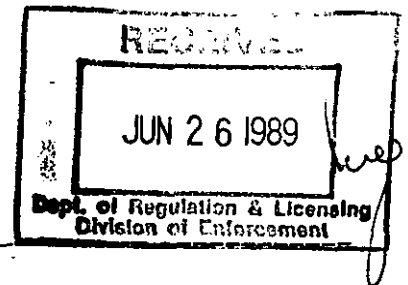
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Dept. of Regulation & Licensing  
Division of Enforcement



ALLERGY TREATMENT... AUDIOLOGY... AUXILIARY... CHEMICAL DEPENDENCY SERVICES (IN-PATIENT, OUT-PATIENT, FAMILY, EMPLOYEE ASSISTANCE)... CLINICAL PATHOLOGY... COMMUNITY EDUCATION... DIAGNOSTIC IMAGING (RADIOGRAPHY, CT-SCAN, NUCLEAR MEDICINE, MAMMOGRAPHY, ULTRASOUND)... EMERGENCY SERVICES... EPIDEMIOLOGY... FAMILY PLANNING CLINIC... FAMILY PRACTICE... FOUNDATION... GENERAL SURGERY... GIFT SHOP... GYNECOLOGY... IMMUNIZATION CLINIC... INFANT CARSEAT RENTAL PROGRAM... INTENSIVE CARE... INTERNAL MEDICINE... KIDNEY DIALYSIS... LABORATORY SERVICES... LIFE MATE... MATERNITY... MEDICAL RECORDS SERVICES... NEONATAL... NEUROLOGY... NUTRITION COUNSELING... NUTRITION SERVICES... ONCOLOGY... OPHTHALMOLOGY... ORAL SURGERY... ORTHODONTICS... ORTHOPEDICS... OTOLARYNGOLOGY... PASTORAL CARE... PHARMACY... PHYSICAL THERAPY... PLASTIC SURGERY... POISON REFERRAL CENTER... QUALITY MANAGEMENT... RESPIRATORY THERAPY... SHORT STAY SURGERY...

STATE OF WISCONSIN  
BEFORE THE PHARMACY EXAMINING BOARD



IN THE MATTER OF THE  
LICENSE OF

THOMAS F. ANDERSON, R.Ph.,  
RESPONDENT.

STIPULATION

The parties in this matter agree and stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Department of Regulation and Licensing, Division of Enforcement, on behalf of the Pharmacy Examining Board (case file 87 PHM 65) of Thomas F. Anderson's licensure to practice pharmacy in the state of Wisconsin. Thomas F. Anderson consents to the resolution of this investigation by stipulation and without the issuance of a formal disciplinary complaint and hearing.
2. The Respondent understands by signing this Stipulation that he voluntarily and knowingly waives his rights in this matter, including the right to a hearing on the allegations against him, at which time the State has the burden of proving the allegations by preponderance of the evidence, the right to confront and cross-examine the witnesses against him, the right to call witnesses on his own behalf and to compel their attendance by subpoena, the right to testify in his own behalf, the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision, the right to petition for rehearing and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
3. The Respondent admits the allegations and statements found in the attached Final Decision and Order.
4. The Respondent and the Complainant recommend the Pharmacy Examining Board adopt this Stipulation and the attached Final Decision and Order in this matter.
5. If the terms of this Stipulation and attached Final Decision and Order are not acceptable to the Board, then none of the parties shall be bound by any of the terms.
6. The attached Findings of Fact, Conclusions of Law, Final Decision and Order may be made and entered in this matter by the Wisconsin Pharmacy Examining Board, without prior notice to any party.
7. All parties agree that Counsel for the Department of Regulation and Licensing, Division of Enforcement and the Board Advisor appointed in this matter may appear before the Wisconsin Pharmacy Examining Board to argue in favor of acceptance of this Stipulation and the entry of the attached Findings of Fact, Conclusions of Law, Final Decision and Order. The parties agree that the Complainant's attorney and the Board Advisor to the case may appear and answer questions of the Board during the Board's deliberation on this matter in closed session.

8. That this agreement in no way prejudices the Pharmacy Examining Board from any further action against Respondent based on any acts not stated in the present Findings of Fact which might be violative of the Wisconsin Pharmacy Examining Board Statutes and Rules.

9. That if this Stipulation is adopted by the Wisconsin Pharmacy Examining Board, the attached Order shall become effective as stated in the order.

June 26, 1989

Date

6/23/89

Date

Robert T. Ganch

Robert T. Ganch, Attorney  
Division of Enforcement  
Department of Regulation & Licensing

Thomas F. Anderson

Thomas F. Anderson, R.Ph., Respondent

PHARMACY EXAMINING BOARD, by:

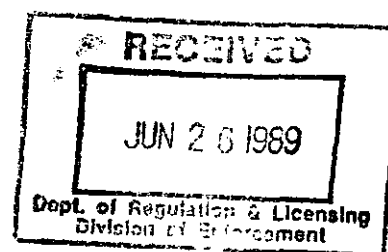
7/11/89

Date

W. R. Schuch

A Member of the Board

RTG:rjt  
DOEATTY-632



## NOTICE OF APPEAL INFORMATION

(Notice of Rights for Rehearing or Judicial Review,  
the times allowed for each and the identification  
of the party to be named as respondent)

The following notice is served on you as part of the final decision:

### 1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with State of Wisconsin Pharmacy Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

### 2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon State of Wisconsin Pharmacy Examining Board.

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: State of Wisconsin Pharmacy Examining Board.

The date of mailing of this decision is July 12, 1989.

WLD:dms  
886-490



**227.49 Petitions for rehearing in contested cases.** (1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of.

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

**227.52 Judicial review; decisions reviewable.** Administrative decisions which adversely affect the substantial interests of any person, whether by action or inaction, whether affirmative or negative in form, are subject to review as provided in this chapter, except for the decisions of the department of revenue other than decisions relating to alcohol beverage permits issued under ch. 125, decisions of the department of employee trust funds, the commissioner of banking, the commissioner of credit unions, the commissioner of savings and loan, the board of state canvassers and those decisions of the department of industry, labor and human relations which are subject to review, prior to any judicial review, by the labor and industry review commission, and except as otherwise provided by law.

**227.53 Parties and proceedings for review.** (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally

disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent.

1 The tax appeals commission, the department of revenue.

2 The banking review board or the consumer credit review board, the commissioner of banking.

3. The credit union review board, the commissioner of credit unions.

4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, and the savings and loan review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.